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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,376	11/03/2003	Sampo J. Kaasila	BIT01-1B-US	5972
42306	7590	09/16/2009		
EDWARD W. PORTER PORTER & ASSOCIATES 24 STRING BRIDGE S12 EXETER, NH 03833			EXAMINER CASCHERA, ANTONIO A	
			ART UNIT	PAPER NUMBER
			2628	
			MAIL DATE	DELIVERY MODE
			09/16/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/700,376

Applicant(s)

KAASILA ET AL.

Examiner

Antonio A. Caschera

Art Unit

2628

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-18 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 and 30 is/are allowed.
- 6) ☒ Claim(s) 1, 3-18 and 31-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 12/24/07.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgement is made of Applicant's claim for priority under 35 U.S.C. 365(a)

Claim Objections

2. Claim 12 is objected to because of the following informalities:
 - a. The phrase "...from a another entity..." (see lines 4-5 of the claim) should read, "...from another entity..."

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1, 3-18 and 31-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim(s) 1, 3-18 and 31-39 is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent¹ and recent Federal Circuit decisions² indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to

¹ *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Floork*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

² *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. Note, although the claims comprise the terms “devices” and “screen,” none of the claim limitations of the body of the claims are recited as tied to another statutory category (i.e. not recited as accomplished by a specific device).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 4 recite the limitation "said single line strings" in lines 1-2 of claim 3 and line 32 of claim 4. There is insufficient antecedent basis for this limitation in the claim. Note, it is obvious that there are previous occurrences of “strings” in the claims however the claims nowhere indicate the strings are in a “single line.” Further note, claims 5-8 depend upon claims 3 and 4 and are therefore also included in this rejection.

Response to Arguments

5. The cancellation of claims 19-28 is noted.
6. Applicant's arguments, see page 1 of Applicant's Remarks, filed 06/12/09, with respect to the objection of the abstract have been fully considered and are persuasive. The objection of the abstract has been withdrawn since previous issues have been corrected for.
7. Applicant's arguments, see page 2 of Applicant's Remarks, filed 06/12/09, with respect to the objection of claims 1, 3-18 and 29-39 have been fully considered and are persuasive. The objection of these claims has been withdrawn since previous issues have been corrected for.
8. Applicant's arguments, see page 2-7 of Applicant's Remarks, filed 06/12/09, with respect to the 35 USC 112 rejection of claims 1, 3-18 and 29-31 have been fully considered and are persuasive. The 35 USC 112 rejection of these claims has been withdrawn.

Allowable Subject Matter

9. Claims 29 and 30 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In reference to claim 29, the prior art of record does not explicitly disclose a computer system performing down-scaling and a subpixel optimized processing involving, representing the scaled image causing the luminosity associated with each subpixel within a given pixel of the scaled image to represent the luminosity of the subpixel's color in a portion of the corresponding source image that differs for each subpixel as a function of the subpixel's different position in the given pixel, whereby the pixels represent strings of displayable text characters that are antialiased font bitmaps, and wherein the function is based upon a coverage value representing the percent of the subpixel's area covered by the font shape and a color balancing distribution

between a subpixel's coverage value and coverage values of other nearby subpixels that reduces color imbalances, in combination with the further limitations of claim 29.

In reference to claim 30, claim 30 depends upon allowable claim 29 and is therefore also deemed allowable.

References Cited

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Gormish (U.S. Publication 2007/0180374)
 - i. Gormish discloses a method of generating an output image having a lower resolution than that of a source image by thinning (discarding) outer pixels of the source image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Friday between 7:00 AM and 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

/Antonio A Caschera/

Primary Examiner, Art Unit 2628

9/16/09